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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,252	12/21/2001	Peter V. Radatti	CSI-02	6644
7590	03/23/2005		EXAMINER	
Peter V. Radatti, Esquire CyberSoft, Inc. 1508 Butler Pike Conshocken, PA 19428			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

jma

Office Action Summary	Application No.	Applicant(s)	
	10/032,252	RADATTI, PETER V.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9,11-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9,11-16 and 18-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on October 20, 2004 has been received and entered. Claims 10, and 17 have been cancelled. Therefore, claims 1-9, 11-16, and 18-26 are now pending.
2. The Examiner's objection and 112nd rejection to claim 26 is hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-6, 8-13, 15-16, 18-19, and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sowa et al. (U.S. Patent No. 6,594,665 B1).

As to claims 1, and 18, Sowa et al. discloses a method for securing, maintaining, monitoring and controlling computer files comprising:

providing a first data file, comprised of at least one first data file file name as well as a first data file hash value for each file referred to by each of said first data file file names (See column 8, lines 14-27, also see abstract, wherein "secure" reads on "validate that the stored data matched the search data");

providing a second data file, comprised of at least one second data file file name (See column 8, lines 44-67, and see column 9, lines 25);
comparing said second data file to said first data file in a comparison cycle, wherein said comparison cycle further comprises (See column 5, lines 23-35);
obtaining each file referred to by each of said second data file file names (See column 8, lines 44-67, and see column 9, lines 25);
generating a second data file hash value for each file referred to by each of said second data file file names (See column 8, lines 44-67, and see column 9, lines 25);
sending each second data file hash value and each second data file file name to a comparison component (See column 8, lines 44-61, and see column 6, lines 25-59).

As to claim 2, Sowa et al. discloses further comprising repeating the steps of:
obtaining each file referred to by each of said second data file file names (See column 8, lines 44-67, and see column 9, lines 25);
generating a second data file hash value for each file referred to by each of said second data file file names (See column 8, lines 44-67, and see column 9, lines 25);
sending each second data file hash value and each second data file file name to a comparison component (See column 5, lines 23-35).

As to claims 3, and 19, Sowa et al. discloses further comprising the step of:

comparing each second data file hash value to each first data file hash value (See column 5, lines 1-35).

As to claims 5, and 21, Sowa et al. discloses wherein the step of providing a first data file further comprises proving an alternate data file (See column 5, lines 1-35).

As to claims 6, 12, and 22, Sowa et al. discloses further comprising the step of reporting the results of said comparison cycle (See column 6, lines 16-64).

As to claims 7, 13, and 23, Sowa et al. discloses further comprising the step of logging the results of said comparison cycle (See column 6, lines 60-67, and see column 7, lines 25, also see column 5, lines 23-35).

As to claims 8, 15, and 24, Sowa et al. discloses further comprising the step of sending the results of said comparison cycle to a client comparison status mechanism (See column 6, lines 60-67).

As to claims 9, 16, and 25, Sowa et al. discloses wherein the step of generating a first data file further comprises using a Loop Back mechanism to generate said first data file (See column 6, lines 25-36).

As to claim 11, Sowa et al. discloses a method for securing computer files comprising:

generating a secure system data file, further comprising creating a hash value for a file and arranging said hash value with its respective file name (See column 8, lines 14-27, also see abstract, wherein “secure” reads on “validate that the stored data matched the search data”); storing said secure system data file (See column 8, lines 14-27); and, comparing said secure system data file to a comparison data file in a comparison cycle, wherein said comparison data file further comprises at least one file name (See column 5, lines 23-35), and wherein said comparison cycle further comprises hashing said file name, and sending said hash value and file name to a comparison component, whereby said second data file hash value is compared to said first data file hash value (See column 8, lines 44-61, and see column 6, lines 25-59).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sowa et al. (U.S. Patent No. 6,594,665 B1) in view of Adya et al. (U.S. Pub. No. 2002/0188605 A1).

As to claims 4, and 20, Sowa et al. does not teach wherein the step of providing a first data file further comprises proving a secure system data file.

Adya et al. teaches wherein the step of providing a first data file further comprises proving a secure system data file (See page 12, lines 13-67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Sowa et al. to include wherein the step of providing a first data file further comprises proving a secure system data file.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sowa et al. by the teaching of Adya et al. to include wherein the step of providing a first data file further comprises proving a secure system data file because it provides for database security and file authentication.

As to claim 14, Sowa et al. does not teach further comprising the step of securing a system in lock down mode.

Adya et al. teaches further comprising the step of securing a system in lock down mode (See pages 11-12, paragraphs 0144-0146).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Sowa et al. to include further comprising the step of securing a system in lock down mode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Sowa et al. by the teaching of Adya et al. to include further comprising the step of securing a system in lock down mode because it provides for database security and file authentication.

Response to Arguments

6. Applicant's arguments filed on October 20, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that "Sowa does not teach providing a first data file, comprised of at least one first data file file name as well as a first data file hash value for each file referred to by each of said first data file file names..." is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that Sowa clearly teaches in column 5, lines 16-22, a simple hash function applied to the file names thereby creating a hash value to be stored with the name of the file for each of the data files. In column 5, lines 50-57, Sowa distinctly state the associative relationship between hash values and file names from which they were derived and the hash value maybe stored. The Applicant concedes in the argument filed that Sowa indeed discloses hash of a file name as pointed by the Examiner which broadly interpreted reads on the claimed limitation.

In response to applicant's argument that "Sowa does not teach generating a second data file hash value for each file referred to by each of said second data file file name..." is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that Sowa clearly teaches generating a second data value hash value as conceded by the applicant on page 8 of the arguments regardless of the reasoning behind the applicant's use for the hash value, which is not claimed. Instead, broadly interpreted the

Sowa reference in column 6, lines 8-54, teaches the above limitation, especially, the generation of one or more hash values and the comparison between the server side and the client side using the hash values for secure access to the data files.

In response to applicant's argument with respect to claim 11 that "Sowa does not teach generating a secure system data file, further comprising creating a hash value for a file and arranging said hash value with its perspective file name..." is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that hash values are encryption/decryption and therefore security algorithm means to protect data files. In a windows environment as disclosed by Sowa in a windows platform environment column 1, lines 26-35, prior art, and in column 5, lines 9-22, a path rule identifies software by its file path. For example, if you have a computer that has a default security level of Disallowed, you can still grant unrestricted access to a specific folder for each user. You can create a path rule by using the file path and setting the security level of the path rule to Unrestricted. It is also the case that for example, you can create a hash rule and set the security level to Disallowed to prevent users from running a certain file. A file can be renamed or moved to another folder and still result in the same hash. However, any changes to the file itself also change its hash value and allow the file to bypass restrictions (See www.microsoft.com/resources/documentation/WindowsServ/2003/standard/proddocs/us/SRP_entry.asp).

In response to applicant's argument that "Sowa does not teach transmitting a hash value for a file as opposed to a hash for a file name" is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that the claimed limitation disclosed "sending hash value and file name to a comparison component" and Sowa discloses performing a hash function on the search term and locate file names that match provided search term using the search ash values as the basis for comparison in column 5, lines 58-67, and column 6, lines 1-24. Sowa in column 6, lines 37-53, teaches hash value is necessary to access file name. Therefore, Sowa broadly interpreted teaches both recitations of the claim as being transmitted.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
March 19, 2005



SAM RIMELL
PRIMARY EXAMINER